

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE VIOLIN MEMORY, INC.  
SECURITIES LITIGATION

Master File No. 4:13-cv-05486-YGR

**[PROPOSED] ORDER APPROVING THE SHEHK INVESTOR GROUP  
AS CO-LEAD PLAINTIFFS  
AND APPROVING THEIR SELECTION OF COUNSEL**

Having considered the papers filed in support of the motions of class members Ali Shehk (“Shehk”) and Alan Richards (“Richards”) (collectively, the “Shehk Investor Group”) for Consolidation of the Actions,<sup>1</sup> Appointment as Lead Plaintiff, and Approval of Lead Counsel pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4(a)(3)(B) and 15 U.S.C. § 77z-1(a), and for good cause shown, the Court hereby enters the following Order:

**I. APPOINTMENT OF CO-LEAD PLAINTIFFS AND CO-LEAD COUNSEL**

1. Shehk and Richards have moved this Court to be appointed as Co-Lead Plaintiffs in the above Consolidated Action and to approve the counsel they retained to be Co-Lead Counsel.

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<sup>1</sup> On February 10, 2014, the Court granted and ordered consolidation of the following related actions (the “Consolidated Action”): *Tsai v. Violin Memory, Inc., et al.*, 4:13-cv-05486-YGR; *Schneider v. Violin Memory, Inc., et al.*, 4:13-cv-05515-YGR; *McBrian v. Violin Memory, Inc., et al.*, No. 4:13-cv-05610-YGR; *Richards v. Violin Memory, Inc., et al.*, No. 4:13-cv-05834-YGR.

1           2.     Having considered the provisions of Section 21D(a)(3)(B) of the PSLRA,  
2     15 U.S.C. § 78u-4(a)(3)(B) and 15 U.S.C. § 77z-1(a), the Court hereby determines that members  
3     of the Shehk Investor Group are the most adequate plaintiffs and satisfy the requirements of the  
4     PSLRA. The Court hereby appoints the Shehk Investor Group as Co-Lead Plaintiffs to represent  
5     the interests of the class.

6           3.     Pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, 15 U.S.C. § 78u-4(a)(3)(B)(v),  
7     the Shehk Investor Group has selected and retained the law firms of Levi & Korsinsky LLP and  
8     Kaplan Fox & Kilsheimer LLP (“Kaplan Fox”) to serve as Co-Lead Counsel and Kaplan Fox to  
9     serve as Liaison Counsel. The Court approves the Shehk Investor Group’s selection of Co-Lead  
10    Counsel and Liaison Counsel for the Consolidated Action.

11          4.     Co-Lead Counsel shall have the following responsibilities and duties, to be carried  
12    out either personally or through counsel whom Co-Lead Counsel shall designate:

- 13           a.     to coordinate the briefing and argument of any and all motions;
- 14           b.     to coordinate the conduct of any and all discovery proceedings;
- 15           c.     to coordinate the examination of any and all witnesses in depositions;
- 16           d.     to coordinate the selection of counsel to act as spokesperson at all pretrial  
17    conferences;
- 18           e.     to call meetings of the plaintiffs’ counsel as they deem necessary and  
19    appropriate from time to time;
- 20           f.     to coordinate all settlement negotiations with counsel for defendants;
- 21           g.     to coordinate and direct the pretrial discovery proceedings and the  
22    preparation for trial and the trial of this matter, and to delegate work responsibilities to selected  
23    counsel as may be required;
- 24           h.     to coordinate the preparation and filings of all pleadings; and
- 25           i.     to supervise all other matters concerning the prosecution or resolution of  
26    the claims asserted in the Consolidated Action.

5. No motion, discovery request, or other pretrial proceedings shall be initiated or filed by any plaintiffs without the approval of Co-Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of the Co-Lead Counsel.

6. Service upon any plaintiff of all pleadings, motions, or other papers in the Consolidated Action, except those specifically addressed to a plaintiff other than Co-Lead Plaintiffs, shall be completed upon service of Co-Lead Counsel.

7. Co-Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel, as well as the spokespersons for all plaintiffs' counsel, and shall direct and coordinate the activities of plaintiffs' counsel. Co-Lead Counsel shall be the contact between the Court and plaintiffs and their counsel.

## **II. NEWLY FILED OR TRANSFERRED ACTIONS**

8. When a case that arises out of the subject matter of this action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. deliver a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. make the appropriate entry on the docket for this action.

9. Each new case that arises out of the subject matter of the action that is filed in this Court or transferred to this Court shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order shall, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, file an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

10. During the pendency of this litigation, or until further order of this Court, the parties shall take reasonable steps to preserve all documents within their possession, custody or control, including computer-generated and stored information and materials such as computerized

1 data and electronic mail, containing information that is relevant to or which may lead to the  
2 discovery of information relevant to the subject matter of the pending litigation.

3 **III. BRIEFING SCHEDULE**

4 11. Co-Lead Plaintiffs may file an Amended Complaint no later than ~~45~~ **30** days after  
5 the date of this Order appointing Co-Lead Plaintiffs.

6 12. Defendants must answer or file a motion to dismiss no later than ~~30~~ **21** days after  
7 Co-Lead Plaintiffs' Amended Complaint has been filed.

8 13. Co-Lead Plaintiffs' opposition to Defendants' motion to dismiss must be filed no  
9 later than ~~30~~ **21** days after Defendants' motion to dismiss has been filed.

10 14. Defendants' reply in further support of their motion to dismiss must be filed no  
11 later than ~~21~~ **14** days after Co-Lead Plaintiffs' opposition has been filed.

12 All other motions for appointment as lead plaintiff and counsel have been withdrawn or  
13 are hereby denied. This Order terminates the following docket entries:

14 **4:13-cv-05486-YGR, Docket Nos. 20, 24, 25, 30**

15 **4:13-cv-05515-YGR, Docket Nos. 24 and 25**

16 **4:13-cv-05610-YGR, Docket Nos. 13 and 14, and**

17 **4:13-cv-05834-YGR, Docket Nos. 13 and 14.**

18 IT IS SO ORDERED.

19  
20 DATED: February 26, 2014

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22 THE HONORABLE YVONNE GONZALEZ ROGERS  
23 UNITED STATES DISTRICT COURT JUDGE  
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